

**REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1, 4, and 6 have been amended, and claim 7 has been added. Thus, claims 1 and 4-7 are pending for further examination.

**Rejection under 35 U.S.C. § 112, First Paragraph**

Claims 1 and 4-6 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the invention. The Final Office Action further alleges that there is no support for the limitations of “finding an available memory of a specified minimum size” and “corresponding to a memory area found by the finding.” Applicant notes that the previous claim language was slightly different from that provided in the Final Office Action. In any case, Applicant notes that currently amended claim 1 now requires “finding an available memory area of a specified minimum size” and “opening a reception file on a first permanent storage area of said audiovisual data reproduction system, corresponding to the available memory area found.” So as to avoid all doubt, support for such limitations can be found in the original specification, for example, at page 5, line 27 to page 6, line 3. This portion is reproduced below for the Examiner’s convenience:

“Then, the process comprises a step 11 consisting of opening a reception file on the storage means. According to the invention, the storage area selected is a permanent storage area wherein the memory available has a specified minimum size. In this way, unlike the prior art, the data is not stored in a specific temporary storage area, but in any area of the storage means, provided that this area has a specified minimum size.”

Applicant respectfully submits that one of ordinary skill in the art at the time of the invention would have recognized, from at least this portion of the original specification, that the inventors were in possession of the claimed steps of “finding an available memory area of a specified minimum size” and “opening a reception file on a first permanent storage area of said audiovisual data reproduction system, corresponding to the available memory area found.” This is particularly true in view of the fact that it is well settled that a specification may start where the prior art leaves off and need not describe claim language using the exact same terminology. Indeed, that which is well known is treated as if it were set out in the specification and delineated in the drawings. See, for example, *In re Smythe*, 178 USPQ 279 (CCPA 1973); and *In re Howarth*, 210 USPQ 689, 692 (CCPA 1981). Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

**Rejection under 35 U.S.C. § 102(b)**

Claims 1 and 4-6 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Nathan et al. (WO 96/12257). This rejection is respectfully traversed for at least the following reasons.

In order for a claim to be anticipated, each and every limitation in that claim must be taught or suggested in a single reference. Nathan does not teach or suggest each and

every limitation of claim 1 (and thus its dependents). For example, Nathan states “si l’enregistrement d’une ou plusieurs chansons ou vidéo ou d’une partie de chanson ou vidéo n’a pu être fait faute de place suffisante sur le disque. . .” (see page 25, line 35 to page 26, line 7). As a consequence of this teaching, a song or video sometimes may not be fully received, and the missing portion may be related to a lack of disk space. The approach of Nathan therefore does not teach or suggest -- much less enable -- “finding an available memory area of a specified minimum size, [and] opening a reception file on a first permanent storage area of said audiovisual data reproduction system, corresponding to the available memory area found . . . wherein the minimum size corresponds to a size of the file sent by the central server.”

Additionally, Nathan does not teach, “for each file received, searching for a reception function to be associated with each received file based at least in part on the information representative of the type of data associated with the file” and, by extension, does not teach “processing each received file by the corresponding reception function, the processing comprising copying the received file to a second storage area,” as required by claim 1 (and its dependents). Although Nathan arguably discloses a rather generic reception function since it includes a set of database features as alleged in the Final Office Action, it certainly does disclose the particular reception functions described in the specification of the instant application or the searching for a reception function to be associated with each received file as specifically claimed in claim 1.

The example techniques disclosed in the specification enable the reception of a plurality of different files, and/or of different file types, while the treatment and classification of the same in a database can be executed later. As such, claim 1 relates to a method for receiving files sent by a central server to an audiovisual data reproduction system, which separately processes the downloading of songs or videos from their treatment and classification in a database. This is particularly advantageous in a multitasking audiovisual reproduction system, where each task typically requires a part of the processor's resources and generally has to be transparent to the reproduction of songs and/or videos.

In view of the foregoing amendments and remarks, Applicant respectfully submits that Nathan does not anticipate the invention of claim 1. Claims 4-6 should be allowable, at least by virtue of their dependence from independent claim 1. As such, reconsideration and withdrawal of this § 102(b) rejection are respectfully requested.

**New Claim 7**

New claim 7 has been added to provide further protection for subject matter disclosed in the specification. More particularly, claim 7 sets forth one possible procedure for when the searching does not match a received file to a reception function. Claim 7 should be allowable for this additional reason, as well as at least by virtue of its dependence from independent claim 1.

NATHAN et al  
Appl. No. 09/583,863  
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**Conclusion**

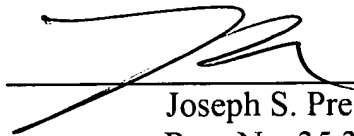
In view of the above amendments and remarks, Applicant respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Joseph S. Presta  
Reg. No. 35,329

JSP/JR:lmj  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100